

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2402**

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**Introduced by Assembly Member Buchanan  
(Principal coauthor: Assembly Member Frazier)**

February 21, 2014

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An act to amend Sections 7270, 7271, 7272.5, and 7273 of the Food and Agricultural Code, relating to noxious weed ~~management, and making an appropriation therefor.~~ *management.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, as amended, Buchanan. Noxious weed management.

Under existing law, the Department of Food and Agriculture is designated as the lead department in noxious weed management, and requires the department, in cooperation with the Secretary of the Natural Resources Agency, to implement provisions relating to noxious weed management. Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, and provides for the allocation of those funds, by percentage, for specified purposes, including control and abatement, research, and to the department for purposes of carrying out those provisions relating to noxious weed management.

This bill would revise the percentages of those allocations, and would also revise the purposes for which the percentage of funds allocated for research may be used to include mapping, risk assessment, and prioritization of weeds. The bill would specify that the funds made available for the control and abatement of noxious and invasive weeds shall be made available through a grant program administered by the department, as specified.

Existing law, to be eligible for funds from the Noxious Weed Management Account, requires a county agricultural commissioner to submit a cost-sharing integrated weed management plan to implement a control program for noxious weeds, and identifies specified goals that are required to be included in that program, including, among others, protecting the biodiversity of native ecosystems.

This bill would also include increasing water supply and flow among the goals that are required to be included in the program. The bill would revise the legislative findings and declarations relating to noxious weed management, and would make other clarifying and nonsubstantive changes.

~~This bill would appropriate \$2,500,000 from the General Fund to the Noxious Weed Management Account in the Department of Food and Agriculture Fund to be expended for purposes of the provisions specified above.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7270 of the Food and Agricultural Code
- 2 is amended to read:
- 3 7270. The Legislature finds and declares all of the following:
- 4 (a) The destructive impact of invasive and noxious weeds is
- 5 profound, affecting California's cropland, rangeland, forests, parks,
- 6 waterways, and wildlands.
- 7 (b) These pests cause enormous losses of private, state, and
- 8 federal resources through decreased land productivity, decreased
- 9 water supply, degradation of wildlife habitat, and outright
- 10 destruction of crops, livestock range, wetlands, waterways,
- 11 watersheds, and recreational areas.
- 12 (c) The estimated annual lost crop and pasture productivity
- 13 caused by noxious weeds is twenty-five billion dollars
- 14 (\$25,000,000,000) nationwide, a large proportion of which is
- 15 attributable to California. Nationally, the direct and indirect costs
- 16 of controlling noxious weeds is estimated to be at least nine billion
- 17 six hundred million dollars (\$9,600,000,000) annually.
- 18 (d) Local programs conducted under this article since 2000 have
- 19 successfully eradicated over 2,000 populations of high priority
- 20 weed infestations, while engaging hundreds of collaborating

1 organizations and leveraging three dollars (\$3) of additional support  
2 for every state dollar spent.

3 SEC. 2. Section 7271 of the Food and Agricultural Code is  
4 amended to read:

5 7271. (a) The Legislature designates the Department of Food  
6 and Agriculture as the lead department in noxious weed  
7 management and the department is responsible for the  
8 implementation of this article in cooperation with the Secretary of  
9 the Natural Resources Agency.

10 (b) There is hereby created in the Department of Food and  
11 Agriculture Fund the Noxious Weed Management Account.

12 (c) Funds appropriated for expenditure by the secretary for  
13 purposes of this article may be spent without regard to fiscal year  
14 and shall be allocated as follows:

15 (1) Sixty percent of moneys in the account shall be made  
16 available to eligible weed management areas or county agricultural  
17 commissioners for the control and abatement of noxious and  
18 invasive weeds according to an approved integrated weed  
19 management plan. These control moneys shall be made available  
20 through a grant program administered by the department. Proposals  
21 shall be evaluated based on strategic importance for local and  
22 regional eradication of high priority noxious and invasive weeds.

23 (2) Twenty percent shall be made available toward research on  
24 the biology, ecology, or management of noxious and invasive  
25 weeds, and mapping, risk assessment, and prioritization of weeds.  
26 These research moneys shall be made available to qualified  
27 researchers through a grant program administered by the  
28 department. Proposals shall be evaluated in consultation with the  
29 Range Management Advisory Committee, with emphasis placed  
30 on funding of needs-based, applied and practical research.

31 (3) Twenty percent shall be made available to the department,  
32 and shall only be used for the following purposes:

33 (A) Carrying out the provisions of this article.

34 (B) Developing noxious weed control strategies.

35 (C) Seeking new, effective biological control agents for the  
36 long-term control of noxious weeds.

37 (D) Conducting private and public workshops as needed to  
38 discuss and plan weed management strategies with all interested  
39 and affected local, state, and federal agencies, private landowners,

1 educational institutions, interest groups, and county agricultural  
2 commissioners.

3 (E) Appointing a noxious weed coordinator and weed mapping  
4 specialist to assist in weed inventory, mapping, and control  
5 strategies.

6 SEC. 3. Section 7272.5 of the Food and Agricultural Code is  
7 amended to read:

8 7272.5. (a) To be eligible to receive funding from the Noxious  
9 Weed Management Account pursuant to this article, a county  
10 agricultural commissioner shall submit a cost-share integrated  
11 weed management plan to implement an aggressive control  
12 program for noxious weeds. The goals of the program shall include,  
13 but not be limited to, all of the following:

14 (1) Increase the profitability and value of cropland and  
15 rangeland.

16 (2) Decrease the costs of roadside, park, and waterway  
17 maintenance.

18 (3) Reduce the fire hazard and fire control costs in the state.

19 (4) Protect the biodiversity of native ecosystems.

20 (5) Maintain the recreational and aesthetic value of open space,  
21 recreational, and public areas.

22 (6) Increase water supply and flow.

23 (b) Funds dispersed pursuant to this section shall be allocated  
24 on the basis of the total number of infested acres in each county  
25 and the degree of infestation that exists in the counties, and shall  
26 be only used for the following purposes upon submission of a plan  
27 approved by county boards of supervisors and the department:

28 (1) Operation of programs by the county agricultural  
29 commissioner for control of noxious weeds along county roads  
30 and other local government owned property.

31 (2) Matching funds for control of noxious weeds on city owned  
32 streets, parks, rights-of-way, and other public areas.

33 (3) Disseminating biological control agents by the county  
34 agricultural commissioner for the long-term control of yellow  
35 starthistle or other noxious weeds.

36 (4) Abatement of noxious weed infestations on land vital to the  
37 success of the program.

38 (5) Not more than 10 percent of the noxious weed management  
39 funds distributed to a county agricultural commissioner subject to

1 this section may be used by that commissioner for meeting, travel,  
2 administration, and coordination costs.

3 SEC. 4. Section 7273 of the Food and Agricultural Code is  
4 amended to read:

5 7273. (a) The department shall designate and provide staff  
6 support to an oversight committee to monitor this article and shall  
7 consider input from weed management areas, county agricultural  
8 commissioners, and the Range Management Advisory Committee.

9 (b) The membership of the oversight committee shall include  
10 an equitable number of representatives from each of the following  
11 interests:

- 12 (1) Livestock production.
- 13 (2) Agricultural crop protection.
- 14 (3) Forest products industry.
- 15 (4) California Invasive Plant Council.
- 16 (5) Research institutions.
- 17 (6) Wildlife conservation groups.
- 18 (7) Environmental groups.
- 19 (8) Resource conservation districts.
- 20 (9) The general public.
- 21 (10) Local government.
- 22 (11) The Department of Fish and Wildlife.

23 ~~SEC. 5. The sum of two million five hundred thousand dollars~~  
24 ~~(\$2,500,000) is hereby appropriated from the General Fund to the~~  
25 ~~Noxious Weed Management Account in the Department of Food~~  
26 ~~and Agriculture Fund, to be expended by the Department of Food~~  
27 ~~and Agriculture for purposes of Article 1.7 (commencing with~~  
28 ~~Section 7270) of Chapter 1 of Part 4 of Division 4 of the Food and~~  
29 ~~Agricultural Code.~~